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Joseph R. Ballirano, Esq.

## TOWN OF JOHNSTON PLANNING BOARD

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### February 7, 2012

### MEETING MINUTES

The Planning Board of the Town of Johnston held its regular monthly meeting at 7:00 p.m. on Tuesday, February 7, 2012, at the Johnston Senior Center, 1291 Hartford Ave.

#### I. **Call to Order**

#### II. **Roll Call & Determination of Quorum**

Meeting was called to order at 7:07 p.m. Present for the Planning Board (quorum): Christine Cunneen, Lauren Garzone/*Secretary*, John Laurito, Peggy Passarelli, Mohamad Sasa, and Anthony Verardo/*Chair*. Michael Campagnone/*Vice Chair* was absent. Present for the Town: Joseph Ballirano, Esq.; Dianne Edson, *stenographer* and Pamela Sherrill, AICP, *Administrative Officer/Town Planner*.

#### III. **Minutes**

Motion to accept January 10 meeting minutes (by L. Garzone, 2<sup>nd</sup> by P. Passarelli; discussion, none) carried, 5-0.

Chair announced that review of the Cottage at Briarcliffe had been rescheduled to February 21.

[M. Sasa joined the meeting at this time.]

#### IV. **Public Hearings** — none

#### V. **Old Business**

A. *Final plan* review (CONT'D) of proposed 3-lot *minor subdivision* with street construction to be located at 17 Bigelow Road—A.P. 59/Lot 35 on 7.76± acres zoned R-40—for William, Claudette R., & William Baumlin, Jr.

PB '10-22

Al Russo, attorney for applicant, cited Zoning Board January denial of three requests for dimensional relief. As a result, and in accordance with Planning Board Oct. 2011 continuance pending receipt of variances, Mr. Russo cited three options: (1) submission of new plan; (2) reconsideration by Zoning Board; or (3) appeal to Superior Court. He requested that the application be taken off the Planning Board agenda indefinitely.

J. Ballirano advised against indefinite continuation (regulations and board members could change during 2-3 year appeal); and affirmed reapplication option once zoning issues resolved.



Discussion of 1-2 month continuation while applicant addresses options.

*Motion to continue final plan review to April (by L. Garzone, 2<sup>nd</sup> by J. Laurito; discussion, none) carried, 6-0.*

**B. Advisory opinion (CONT'D) on proposed zoning amendment (text), CP-2010-21, in re Wireless Telecommunications (towers and antennas).**

PB '10-39

Town Planner presented proposed revisions based on Feb. 6 meeting with W. Conley, J. Ballirano, and A. Verardo, and highlighted key changes recommended, including:

- Deletion of reference to requirements based on number of colocated antenna arrays due to subjectivity; array number limited solely by structural analysis.
- Restricting height by fall zone requirements, rather than subject to zoning variance.
- Addition of \$1,000 administrative charge and costs of noticing abutters within 200' with 14-day comment period.
- Deletion of §340-153.D (Town has no jurisdiction over state or federal property).
- Amendment of use table; further clarification as to change for colocation on pre-existing towers from special use to permitted in all zones; concurrence on further amendments to §340-153.

J. Ballirano reviewed past litigation of Zoning Board denials, emphasizing potential court sanctions without enactment of wireless ordinance, and issue of colocation of antenna arrays.

Discussion of need for owners to provide performance bonds for removal of abandoned structures and site restoration (§340-156), including for colocation on existing towers.

*Motion to send positive advisory opinion to Town Council (by L. Garzone, 2<sup>nd</sup> by C. Cunneen—discussion, none) based on amendments and subject to legal review, carried, 6-0.*

## **VI. New Business**

None; Cottage at Briarcliffe to be heard at special meeting on February 21, 2012.

## **VII. Administrative Report & Special Items**

Planner reported, including update on Lakeside Commerce Center minor subdivision heard Jan. 26. Consent decree/court settlement received promptly and forwarded to J. Ballirano and Planning Board with request for verification from the town solicitor as stipulated Jan. 26. Detailed legal review pending. M. Sasa requested that final approval be withheld until frontage on approved road accepted by Town Council. Future administrative reports to include update on same.

## **VIII. Adjournment**

*February 7, 2012, Planning Board meeting adjourned at 8:25 p.m.*

*Lauren A. Garzone, SECRETARY*